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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,830	08/31/2001	Hisashi Takayama	TAKAYAMA 4	9491
1444 7590 06/07/2010 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			EXAMINER GRAHAM, CLEMENT B	
			ART UNIT 3691	PAPER NUMBER
			MAIL DATE 06/07/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/831,830

**Applicant(s)**

TAKAYAMA ET AL.

**Examiner**

Clement B. Graham

**Art Unit**

3691

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 58-61 and 63-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 58-61 and 63-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/02)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/8/2010 has been entered.
2. Claims 58-61, 63-66 remained pending in this Application.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 58-61, 63-66, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima U.S Patent 7, 523, 067 in view Schutzer U.S Patent 6, 873, 974.

As per claim 58, Nakajima discloses a communication terminal configured to communicate with a plurality of service terminals, said communication terminal comprising: a first wireless communication section that receives an initiation message from one of the plurality of service terminals at a distance for communicating with said communication terminal (see column 2 lines 1-67 and column 3 lines 1-67 and column 8 lines 55-65 and column 22 lines 4-37 and column 25 lines 41-56) second wireless communication section that performs an authentication processing with said one of the plurality of service terminals, and establishes a communication session with said one of the plurality of service terminals when the authentication processing succeeds said second wireless communication section that communicates at a communication distance which is longer than that of the first wireless communication section and a memory configured to hold a device list (see column 2 lines 1-67

and column 3 lines 1-67 and column 8 lines 55-65 and column 22 lines 4-37 and column 25 lines 41-56) said device list including a plurality of identification information of the plurality of service terminals, wherein said initiation message includes a device address of the service terminal for communicating with the communication terminal, said second wireless communication section identifies one of plurality of service terminals based on the device list and the device address of the initiation message, said second wireless communication section performs authentication processing with the identified service terminal (see column 2 lines 1-67 and column 3 lines 1-67 and column 8 lines 55-65 and column 22 lines 4-37 and column 25 lines 41-56).

Nakajima fail to explicitly teach and establishes a communication session with the identified service terminal.

However Schutzer discloses the first and second wallets may communicate in a number of ways. One example is screen scraping, whereby, for example, a wallet learns the format presented and creates a template indicating data placement, such as user identification and password, IP address, cookie information, or other authenticated information required to access the screen or wallet. Another example comprises a standard data feed or message protocol standard, such as Electronic Commerce Modeling Language (ECML), Open Financial Exchange (OFX), or Interactive Financial Exchange (IFX) standards. Some such feeds may require customer identification and wallet identification and authentication. A third example comprises an exchange of files between wallets, an embodiment of which also requires exchange of identification and authentication information (see column 3 lines 41-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Nakajima to include and establishes a communication session with the identified service terminal taught by Schutzer in order to use the distributed electronic wallets in electronics.

As per claim 59, Nakajima discloses wherein said initiation message further includes session number specified by said one of the plurality of service terminals (see column 2 lines 1-67 and column 3 lines 1-67 and column 8 lines 55-65 and column 22 lines 4-37 and column 25 lines 41-56).

As per claim 60, Nakajima discloses further comprising:  
an authentication section that authenticates with said identified service terminal based on said session number, wherein said second wireless communication section establishes a communication session using said session number when said authentication section authenticates with said identified service terminal successfully (see column 2 lines 1-67 and column 3 lines 1-67 and column 8 lines 55-65 and column 22 lines 4-37 and column 25 lines 41-56).

As per claim 61, Nakajima discloses wherein said first wireless communication section has directivity (see column 2 lines 1-67 and column 3 lines 1-67 and column 8 lines 55-65 and column 22 lines 4-37 and column 25 lines 41-56).

As per claim 63, Nakajima discloses a 63. (Currently Amended) A communication terminal comprising: a first wireless communication section that transmits an initiation message to either-- a selected service terminal from a plurality of service terminals at a distance for communicating with said communication terminal, said initiation message including a device address of the communication terminal; and a second wireless communication section(see column 2 lines 1-67 and column 3 lines 1-67 and column 8 lines 55-65 and column 22 lines 4-37 and column 25 lines 41-56) that performs an authentication processing with a selected service said other terminal in response to a communication session establishment request, and establishes a communication session with said selected service terminal when the authentication processing succeeds (see column 2 lines 1-67 and column 3 lines 1-67 and column 8 lines 55-65 and column 22 lines 4-37 and column 25 lines 41-56) said second wireless communication section that communicates at a communication distance which is longer than that of the first wireless communication section; wherein said selected service terminal comprising a device list which includes an identification information of the communication terminal, and said selected service terminal identifies the communication terminal based on the device list and the device address of the initiation message (see column 2 lines 1-67 and column 3 lines 1-67 and column 8 lines 55-65 and column 22 lines 4-37 and column 25 lines 41-56).

Nakajima fail to explicitly teach and sends the communication session establishment request to the identified communication terminal.

However Schutzer discloses the first and second wallets may communicate in a number of ways. One example is screen scraping, whereby, for example, a wallet learns the format

presented and creates a template indicating data placement, such as user identification and password, IP address, cookie information, or other authenticated information required to access the screen or wallet. Another example comprises a standard data feed or message protocol standard, such as Electronic Commerce Modeling Language (ECML), Open Financial Exchange (OFX), or Interactive Financial Exchange (IFX) standards. Some such feeds may require customer identification and wallet identification and authentication. A third example comprises an exchange of files between wallets, an embodiment of which also requires exchange of identification and authentication information.(see column 3 lines 41-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Nakajima to include and sends the communication session establishment request to the identified communication terminal taught by Schutzer in order to use the distributed electronic wallets in electronic commerce.

As per claim 64, Nakajima discloses wherein said initiation message further includes session number (see column 2 lines 1-67 and column 3 lines 1-67 and column 8 lines 55-65 and column 22 lines 4-37 and column 25 lines 41-56).

As per claim 65, Nakajima discloses further comprising:  
an authentication section that authenticates authenticate with said the selected service terminal using said session number in response to a communication establishment request from said ether-selected service terminal, wherein said second wireless communication section establishes a communication session using said session number when said authentication section authenticates with said selected service terminal (see column 2 lines 1-67 and column 3 lines 1-67 and column 8 lines 55-65 and column 22 lines 4-37 and column 25 lines 41-56).

As per claim 66, Nakajima discloses wherein said first wireless communication section has directivity (see column 2 lines 1-67 and column 3 lines 1-67 and column 8 lines 55-65 and column 22 lines 4-37 and column 25 lines 41-56).

## **CONCLUSION**

### **RESPONSE TO ARGUMENTS**

5. Applicant's arguments filed 4/8/2010 have been fully considered but they are moot in view of new grounds of rejections.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/  
Supervisory Patent Examiner, Art  
Unit 3691

June 6, 2010  
ART UNIT 3691  
CG